

AO 91 (Rev. 11/11) Criminal Complaint

KAC
9/29/17

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

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David J. Bradley, Clerk of Court

United States of America)

v.)

Pedro Cazares)

Case No.)

H17-1484

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 17, 2017 - August 10, 2017 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A(a)(2) and
 18 U.S.C. § 2252A(a)(5)

Offense Description

Any person who knowingly receives, distributes and possesses any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Ryan J. Shultz, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

9-29-17



Judge's signature

City and state:

Houston, Texas

US Magistrate Judge Mary Milloy

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan J. Shultz, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since September 2008. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest and performing other duties imposed by law. During my assignment with the FBI I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated many cases involving child pornography and the sexual exploitation of children. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers were used as the means for receiving, transmitting and storing child pornography as defined in Title 18, United States Code, Section 2256.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached Complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge as well as information obtained through witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.
3. For background, KIK is an instant messaging application for mobile devices. The application, or app, is available on most iOS, Android, and Windows Phone operating systems free of charge and allows users to connect with one another online within the context of public forums often based on topics of interest or within private chatrooms which can be conducted in either a group or one-on-one exchange. KIK uses a smartphone's data plan or Wi-Fi to transmit and receive messages. KIK also allows users to share photos, videos, sketches, mobile webpages, and other content. Prior to use, KIK Messenger requires users to register an account with a username and password.

4. As part of his duties with the FBI Child Exploitation Task Force and Franklin County Internet Crimes Against Children Task Force, FBI Cincinnati Task Force Officer (TFO) Brett Peachey routinely engages in undercover investigations to identify subjects involved in the online exploitation of children. During these investigations, TFO Peachey utilizes the profile of a single mother of three children—ages 5, 8, and 12—on various websites, message boards, and messenger applications.
5. In May of 2017, TFO Peachey was invited by other members to join several private groups through the KIK messenger application. One of these groups was titled “Youngvideos&dogvideos”.
6. On or about July 17, 2017, a subject with the KIK username “elptguy,” and public screen name “Jimmy Page,” received an invite and joined the group referenced above. Between July 17, 2017, and July 18, 2017, TFO Peachey observed Jimmy Page, later identified as Pedro Cazares, aka Pedro Cazares-Garza, post multiple images and videos of child pornography in the group depicting prepubescent females nude or engaged in sexual activity.
7. Over the next several weeks, Cazares continued to post large numbers of images and videos of child pornography in the “Youngvideos&dogvideos” group chat as well as several other KIK groups that Cazares became a member of during that time.
8. On July 17, 2017, TFO Peachey attempted to engage in conversation with Cazares via KIK and sent him a private message asking a question about a comment that Cazares had posted in the group. Cazares answered and TFO Peachey and Cazares began a private KIK conversation over the next few weeks. During these conversations, which took place between approximately July 17, 2017, and August 10, 2017, Cazares distributed multiple images and videos to TFO Peachey depicting prepubescent males and females nude or engaged in sexual activity.
9. During his conversation with TFO Peachey, Cazares advised that his name was Peter, he was thirty-seven years old, Hispanic, married, and lived in Houston, Texas. During one conversation Cazares stated that he was a father of three girls and a boy, but then later stated that he only had three daughters, aged three, seven and eight. Cazares once stated

that he "plays" with his daughter but stopped so that his wife would not get suspicious. He also insinuated that he broached the subject of engaging in sexual activity with his children with his wife but she declined. Cazares also made reference to a messaging application called Telegram that he uses to collect child pornography files. According to Cazares, Telegram is better than KIK because it is encrypted. Cazares subsequently sent TFO Peachey two selfie face photos of himself and a video allegedly of him masturbating.

10. On or about July 19, 2017, administrative subpoena #387500 was served to KIK requesting IP address log-ins for the subject utilizing the KIK username "elptguy" over the past 30 days. On or about July 20th, KIK responded with IP address results from June 22, 2017, to July 20, 2017. A review of the IP addresses revealed that almost all of the IP addresses used to access the KIK account were resolved to T-Mobile USA. It is noted that T-Mobile USA does not maintain IP login data for their accounts and, as a result, no subscriber information could be derived from that data. However, on eight occasions the user was observed logging into the account from IP address 98.195.246.182 which is operated by Comcast Communications. KIK account "elptguy" was last accessed from IP address 98.195.246.182 on July 5, 2017, and on July 15, 2017. On or about July 26, 2017, administrative subpoena #388810 was served to Comcast Communications requesting subscriber information for IP address 98.195.246.182 for three different dates and times.
11. On or about July 27, 2017, Comcast Communications responded to the aforementioned administrative subpoena and provided account information for IP address 98.195.246.182 as assigned on the requested dates and times. The account information provided by Comcast Communications identified the registered subscriber as Pedro Garza with High Speed Internet service provided to a residential address in Houston, Texas. An online database check showed that the most recent address for Pedro Cazares, aka Pedro Garza, matched the residential service address provided by Comcast Communications.
12. On or about August 16, 2017, FBI Houston received a lead package containing the investigative details relevant to the investigation as described above. An Accurant query

for Pedro Cazares, age 37, was conducted and a match was located at the same Houston area residential address as provided by Comcast Communications. Furthermore, a query of driver's license photographs associated with Pedro Cazares revealed one photo out of Wisconsin from 2006. Though obviously aged, the driver's license photo of Pedro Cazares visually appears to match the aforementioned two selfie face images that "Peter" sent to TFO Peachey.

13. Regarding the conversations and the images that were distributed to TFO Peachey by Pedro Cazares, all of the posts and their respective content were extracted via direct download and/or through a Cellebrite forensics extraction. In total, Pedro Cazares distributed more than 30 files via Kik either directly to TFO Peachey or within a group chat in which TFO Peachey was a member.
14. Your affiant has reviewed all of the files that were posted by Pedro Cazares during the course of this investigation and determined that the vast majority of those files clearly depicted child pornography as defined by Title 18, United States Code, Section 2256. Below is a description of four of those files that meet the federal definition of child pornography that were distributed by Pedro Cazares via the KIK Messenger application:
 - A. Description:** This is a video file that is approximately 1 minute and 23 seconds in length which depicts a minor female, estimated to be less than 12 years of age, being orally penetrated by the erect penis of an adult male.
 - B. Description:** This is a video file that is approximately one minute and 42 seconds in length which depicts an adult female performing oral sex on the genitals of a minor male, estimated to be less than 7 years of age.
 - C. Description:** This is a video file that is approximately one minute and 5 seconds in length which depicts a minor male, estimated to be less than 14 years of age, nude and masturbating his penis.
 - D. Description:** This is a video file that is approximately 30 seconds in length which depicts a minor female, estimated to be less than 10 years of age, nude and displaying her genitals to the camera in a lewd and lascivious manner.

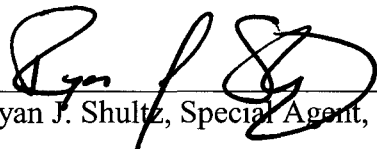
15. On September 29, 2017, FBI Houston executed a federal search warrant at the Cazares residence located in Houston, Texas. Upon the execution of said search warrant, Pedro Cazares, hereinafter referred to as "Cazares", was identified and subsequently interviewed by SA Ryan J. Shultz and SA Robert J. Guerra. After being advised of his *Miranda Rights*, Cazares chose to make a statement.
16. Cazares positively identified himself as "Pedro Cazares." When asked if he was familiar with his Social Security Administration Number, Cazares advised that he did not have one because he was not a United States citizen. Cazares explained that although he has resided within the United States since approximately 1999, he was denied status as a United States citizen at least until his children reach the age of 21. As a result, Cazares classified himself as an "illegal" alien citizen of Mexico.
17. Cazares advised that investigators would find child pornography stored on his HP laptop computer which was located on an entertainment center within the master bedroom of the apartment unit. Cazares explained that he had been seeking out and viewing child pornography for approximately three years and that he typically obtained the child pornography material through online messenger applications such as Twitter, KIK and Telegram.
18. Cazares positively identified his KIK account as username "elptguy" and acknowledged the profile picture associated with the account as the Cheshire Cat from "Alice In Wonderland" with the quote, "We Are All Mad In Here." Cazares confirmed that he commonly utilized the aforementioned KIK account to obtain child pornography material, typically through group chats. Though he understood it to be illegal to possess, receive and/or distribute child pornography, Cazares acknowledged that he knowingly chose to seek out, download and redistribute to others the child pornography he obtained from those group chats.
19. At the request of your Affiant, Cazares reviewed multiple still images which were derived from videos of child pornography that Cazares had posted online via his "elptguy" KIK account. After reviewing those images, Cazares commented that he could not recall the images specifically, but acknowledged that the images were consistent with the types of files he was receiving from other users via the KIK application, saving

those files to his personal electronic device and then redistributing those files to other users online.

20. Cazares denied ever having inappropriate physical contact with any minor to include his four children. When confronted with his statements made via the KIK application, which are described above in paragraph 9, Cazares explained that his statements were simply something he said in the context of facilitating a conversation with someone online in the interest of child exploitation; however, he denied there was any truth to those statements.

CONCLUSION

21. Based on all information set forth above, your Affiant believes there is probable cause to believe that between approximately July 17, 2017, and August 10, 2017, Pedro Cazares, was in violation of Title 18 U.S.C. § 2252A – the possession, receipt and distribution of child pornography.



Ryan J. Shultz, Special Agent, FBI

Subscribed and sworn before me this 29th day of September 2017.



Mary Milloy
United States Magistrate Judge